

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

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| IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. I4MATION, INC., Respondent. | DOCKET NO. FCU-03-57 |
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**ORDER DOCKETING FOR FORMAL PROCEEDINGS
AND REQUIRING RESPONSE**

(Issued January 20, 2004)

On December 22, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103 (2003), asking that the Board review the proposed resolution issued in C-03-251, involving I4Mation, Inc. (I4Mation), and consider the possibility of assessing a civil penalty pursuant to Iowa Code § 476.103(4)"a." Based upon the record assembled in the informal complaint proceedings (which is a part of the record in this proceeding pursuant to 199 IAC 6.7), it appears the events to date can be summarized as follows:

On November 17, 2003, Ms. Mary McGuire of McGuire Construction, Inc., filed a written complaint with the Board alleging that I4Mation placed unauthorized

charges for Internet services on Ms. McGuire's business telephone bill. Board staff identified the matter as C-03-251 and, pursuant to Board rules, on November 18, 2003, forwarded the complaint to I4Mation for a written response within ten days. I4Mation did not file a response within the ten-day time limit.

On December 12, 2003, Board staff issued a proposed resolution describing these events and finding by default that I4Mation had violated the Board's cramming rules. The proposed resolution directed I4Mation to fully credit all charges on Ms. McGuire's account and to close Ms. McGuire's account. No party other than the Consumer Advocate has challenged the staff's proposed resolution.

In its December 22, 2003, petition, Consumer Advocate asserts that a civil penalty should be imposed against I4Mation to deter future cramming complaints. Consumer Advocate also asserts that other cramming complaints received by Board staff have named I4Mation as the alleged violating company. I4Mation has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date as well as the additional slamming complaints made against I4Mation and finds that there is sufficient information to warrant further investigation in this matter. The Board will delay establishing a procedural schedule until March 8, 2003, and require I4Mation to respond to Consumer Advocate's petition.

IT IS THEREFORE ORDERED:

1. The "Petition for Proceeding to Impose Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on December 22, 2003, identified as Docket No. FCU-03-57, is granted and docketed for formal proceedings.

2. I4Mation, Inc., is directed to file a response to the petition filed by Consumer Advocate on December 22, 2003, on or before March 8, 2004

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of January, 2004.